

Serial No. 09/544,150

REMARKS

This amendment is responsive to the official action dated August 6, 2004. Claims 1-23 were pending in the application. Claims 1-23 were rejected. No claims were allowed by the Examiner.

Claims 1-23 remain unchanged.

Accordingly, Claims 1-23 are currently pending.

I. REJECTION OF CLAIMS UNDER 35 USC 103

Claims 1-23 were rejected under 35 USC 103(a) as being unpatentable over US Patent No. 6,547,131 (Foodman et al.) in view of US Patent No. 6,105,865 (Hardesty). The Examiner has stated that Foodman teaches a computer implemented patron betting and rating program including establishing a casino account, making a deposit into the casino account, associating the casino account with a financial institution account, and redeeming deposits from the casino account and transferring the redeemed deposits into the financial account. The Examiner further states that while Foodman does not teach that the financial accounts are investment accounts, Hardesty teaches a credit card that offers a percentage rebate that is deposited into a retirement investment account and that a combination of these two references renders the present invention obvious.

The Applicant asserts however that the process in the Foodman reference is completely the reverse of the process in the present application and is accordingly not relevant to the disclosure of the present invention. Specifically, the process and equipment in Foodman is simply operating as a glorified ATM machine. The user inserts an ATM or debit card into the machine, keys in a PIN code and requests that money be transferred into the specific machine to enable game play. The only difference between the Foodman reference and a traditional ATM machine is that the step of handing cash for the user to then take to a stand alone slot machine for game play has been eliminated by including the ATM functionality into the slot machine. While the ability is provided within the slot machine to then transfer remaining play credits or winnings back to the originally designated account, this is not the primary functionality of the device in

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that the main functionality is to enable additional player convenience by creating a direct link between the player's bank account and the machine to be played.

The present invention establishes a reserved, designated account for the benefit of a casino patron at the casino location. As the patron plays various casino games, a portion of the money wagered is then deposited into the designated account, much in the same was as rating points are accumulated. Similarly, a player may designate a portion of the winnings from wagers placed to also be deposited into the designated account. Periodically, the casino then takes the money in the designated account and transfers that money into an investment account that is maintained outside the casino on behalf of the player. This process only serves to transfer money out of the casino, there is no ability to bring money into the casino from the investment account. This can clearly be contrasted with the Foodman disclosure where money is brought into the casino using an EFT transaction and any money remaining after game play is completed can then be transferred back to the original account from which the funds were obtained. The present invention provides for the transfer of a portion of the money carried into the casino by a patron or patron winnings based on the wagering of that money to a designated retirement account. Accordingly, the Foodman reference is lacking not only in the teaching that the transfer account be an investment account but also in several other critical elements of the present invention.

The Examiner further states that the Hardesty reference is cited for the teaching that a portion of expenditures on a financial transaction may be refunded in the form of a percentage rebate into an investment account such as a retirement investment vehicle and that this teaching of an expenditure rebate into an investment account in combination with the Foodman reference above renders the present invention obvious. However, by utilizing the Foodman reference and adding the concept that the EFT account is designated as an investment account instead of an ATM or debit account only allows a patron to withdraw money for game play from an investment account and then to return the remaining funds back into the same account from which the withdrawal was made.

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This combination still does not disclose the present invention as claimed. The present invention is not related to or concerned with where the original game play funds come from. The concept is directed at taking a designated portion of the funds wagered and winnings and segregating them into a reserve account for the benefit of the patron and then transferring those funds into an investment vehicle on behalf of the patron. If the combined disclosure of Foodman and Hardesty were to be utilized in the present invention, the game play patron would have the ability to fully access those segregated funds, bring them back into the casino for game play and completely deplete retirement funds in the investment account thereby destroying the entire retirement pension scheme disclosed in the present invention.

In other words, the combined disclosure of Foodman and Hardesty is clearly directed at providing easy and convenient access to larger fund resources in order to make it easier for a game play patron to spend larger quantities of money in the quest for the instant gratification pay off through casino wagering. Accordingly the motivation of one skilled in the art in combining these references would be the motivation to create quick and easy access to all of the resources available to a game play patron in order to have all of these resources at the patron's disposal for use in making wagers within the casino. In contrast the present invention is directed at segregating a portion of the wagered funds and removing them from the reach of the game play patron to create a forced retirement saving vehicle. This segregation of funds and removal from the reach of the patron and the casino clearly cuts against the motivation described above.

Accordingly since the teachings of the cited references alone or in combination do not disclose the limitations of the present invention as disclosed, the cited references cannot be relied upon to render the present invention. Further, as demonstrated above, since the requisite motivation necessary for one skilled in the art to combine these references teaches wholly away from stated purposes of the present invention, one skilled in the art would not be motivated to combine these references. Accordingly, this combination cannot be maintained without the requisite motivation for one skilled in the art to make the combination in the first place and these references cannot be relied upon

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for rendering the present invention obvious. Withdrawal of this rejection is therefore requested.

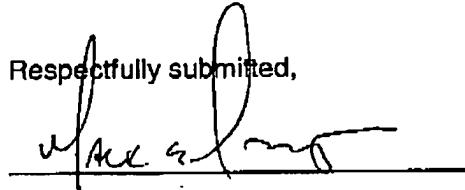
II. CONCLUSION

Accordingly, claims 1-23 are believed to be in condition for allowance and the application ready for issue.

Corresponding action is respectfully solicited.

PTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

Respectfully submitted,

  
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